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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,008	10/03/2000	Giorgio Trani	M1025/7004	4545

7590 06/24/2002

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EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 06/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/678,008

Applicant(s)

TRANI ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider et al. (Great Britain patent 1,115,636).

Schneider discloses a method for manufacturing an inherently stable container made of flexible material comprising the steps of folding a continuous film of flexible material of appropriate width to obtain a pouch by way of a longitudinal heat seal (Fig. 10, via 30) and by way of evenly spaced transverse heat seals (Fig. 10, via 34), followed by cropping the folded film transversely; heat sealing in sides of the pouch at a region of the transverse heat seals, <sup>forming</sup> two triangles, <sup>making wings</sup> each of which has a base which coincides with one edge of the pouch and a vertex which wedges inwards said pouch (Fig. 12, via 38); punch opening said pouch and optionally filling the pouch with a product (Figs. 10 and 11); folding and bonding the wings <sup>laterally</sup> without an <sup>(Figs. 10-13 we heat seal 30)</sup> intermediate step that form adjacent to the base (Fig. 19) and after filling the pouch simultaneously with the bonding of the wings heat sealing an upper open mouth of the pouch (Figs. 10, 14, and 16).

Regarding claim 6: wherein in the first step the film is folded so as to form the pouch (Fig. 10), which is closed longitudinally by heat sealing (via 30) overlapping flaps of the film,

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the heat sealing being preferably located at a center of one of two flat faces of the pouch (Fig. 10).

Regarding claim 7: wherein a longitudinal dimension of the pouch is determined by way of transverse heat seals (Fig. 10, via 34).

Regarding claim 8: the heat sealing of the triangles comprises heat sealing of two overlapping sheets of flexible material that constitute the pouch so as to form at the base the two triangles with vertex wedging inside the pouch (Figs. 14-20).

Regarding claim 9: forming ribs during the step for forming the heat sealed triangles, see for example (Figs. 13-20).

Regarding claim 10: during filling of the pouch with product a substantially flat base forms (Figs. 11 and 13).

Regarding claim 11: wherein following the filling step the wings are folded toward the container and are retained thereon (Figs. 19 and 20).

Regarding claim 12: insertion of the heat sealed triangles inside the container by way of pushing means (via 51) which push the triangles from the outside inward (Figs. 19 and 20).

### ***Response to Arguments***

Applicant's arguments filed on 5/21/2002 have been fully considered but they are not persuasive.

Applicants argue in pages 3 and 4 of the argument that Schneider's reference discloses folding and bonding of the wings in two different steps while the amended claims calls for folding and bonding of the wings formed in the process to occur without an intermediate step. The examiner believes that Schneider's reference still reads on the applicants amended claim, the

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applicant's amended claim referring to "folding and bonding the wings without an intermediate step..." Schneider's reference clearly showing that folding the wings by 180 degrees (Fig. 19) and then bonding the wings to the base of the bag (Fig. 20) without an intermediate step.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rada, Rinaldi can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.

June 20, 2002



**EUGENE KIM  
PRIMARY EXAMINER**